

REMARKS

Claims 1-8, 10-14, 17 and 18 are rejected under 35 USC 103(a) as being unpatentable over Richardson 4,619,386 in view of Fisherman 5,176,438. Claim 15 is rejected as being unpatentable over the same patents plus Menaged 5,025,353. The rationale for the rejections is essentially unchanged from that stated in the Office action mailed May 27, 2004.

Following a telephone interview with the examiner, and pursuant to that interview, the independent claims were amended by an amendment mailed October 26, 2004, to specify that the base has a lower surface that is substantially flat. In response, the examiner interprets the limitations of the "lower surface" as "a portion or only having a section of the lower side requiring a surface being flat," and contends that this is clearly shown in Richardson (Office action, paragraph carrying over to page 5).

The current amendment addresses this argument. The independent claims as amended state that the lower surface is substantially flat in its entirety.

The amended claims clearly avoid the references. The Richardson apparatus includes structure including items 80, 82, 84, 86, 86, 90, 94, 96, 98, 100, 102 (Fig. 4), as discussed during the telephone interview. The lower side of Richardson base has a lower surface that has on the whole a highly irregular shape, even if parts of it considered in isolation are flat. It cannot properly be characterized as being substantially flat in its entirety.

And it would not be obvious to omit the items 80, 82, 84, 86, 86, 90, 94, 96, 98, 100, 102 (Fig. 4), etc., from the lower surface of Richardson's base, because Richardson's apparatus needs those items to accomplish Richardson's purpose of attachment to the dashboard of a vehicle.

The Fisherman patent is cited for a disclosure of a light that can be retracted and extended, and the Menaged patent is cited for a disclosure for a spring-loaded tabs. These secondary references do not address the deficiency of the Richardson patent as a disclosure or as a suggestion as defined in the amended claim.

It is noted that the arguments made above do not rely on the reading stand or table but are addressed solely to the structure of the claimed apparatus.

Applicant respectfully submits that the amended claims do not require a further search: the concept of a flat bottom in combination with the other features of the independent claims and (as well as the features of the dependent claims) has previously been claimed and discussed on the telephone and has already been searched. All that remains is to refine the language describing the "flat" feature so that it properly characterizes the invention. This amendment accomplishes that purpose.

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Since the features of the apparatus as claimed are neither disclosed nor suggested by
the prior art, allowance of the application is respectfully requested.

Respectfully submitted,
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A handwritten signature in cursive script, appearing to read "Donald S. Dowden".

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